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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,865	08/25/2000	Kent Iverson	CISCP656	5977

7590 06/30/2005

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EXAMINER

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,865

Applicant(s)

IVERSON ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claim 1–3, 6, 11–15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bach (US Patent 6,353,742) in view of Huang et al. (US 6,590,879).

Regarding to claim 1 and 11–13, Bach teaches an apparatus, comprising: a selection and distribution unit 115 that is included within a base station controller 105, the selection and distribution unit being operable to: (a) receive signal quality information from a plurality of base transceiver stations 101–103 about a plurality of data streams that are associated with a plurality of mobile stations 113 which are capable of moving within a wireless network (Column 2 Line 30–31, Column 4 Line 20–24); (b) select one of the plurality of data streams associated with a selected one of the mobile stations to be forwarded to a next destination (Column 4 Line 49–52); and (c) direct reverse communication traffic associated with the selected mobile station to a selected one or more of the plurality of base transceiver stations (Column 2 Line 32–40). Bach, however, does not teach selection and distribution unit determining which base transceiver station is to accommodate an

associated communication session based on a selected one of a signal strength associated with the selected mobile station and a predicted position associated with the selected mobile station. Huang teaches selection and distribution unit determining which base transceiver station is to accommodate an associated communication session based on a selected one of a signal strength associated with the selected mobile station (Column 8 Line 9-12). It would have been obvious to one skilled in the art to modify Bach to have selection and distribution unit determining which base transceiver station is to accommodate an associated communication session based on a selected one of a signal strength associated with the selected mobile station as taught by Huang in order to maintain communication when the mobile station experiences changes in the communication conditions (Column 1 Line 29-36).

Regarding to claim 2 and 14, Bach teaches the data streams associated with the communication session from the selected mobile station, and the selection and distribution unit configured to select only one data stream to be forwarded (Column 6 Line 10-17).

Regarding to claim 3 and 15, Bach teaches the data streams associated with a plurality of call sessions from the mobile stations, and the selection and

distribution unit configured to select only one data stream to be forwarded for each call session (Column 6 Line 41–53).

Regarding to claim 6 and 18, Bach teaches the data stream comprising packets using an internet protocol (Column 3 Line 43).

3. Claim 7–10 and 19–22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bach in view of Huang et al. and further in view of Shaughnessy et al. (US Patent 6,141,347).

Regarding to claim 7 and 19, Bach teaches an apparatus, comprising: a selection and distribution unit 115 that is included within a base station controller 105, the selection and distribution unit being operable to: (a) receive signal quality information from a plurality of base transceiver stations 101–103 about a plurality of data streams that are associated with a plurality of mobile stations 113 which are capable of moving within a wireless network (Column 2 Line 30–31, Column 4 Line 20–24); (b) select one of the plurality of data streams associated with a selected one of the mobile stations to be forwarded to a next destination (Column 4 Line 49–52); and (c) direct reverse communication traffic associated with the selected mobile station to a selected one or more of the plurality of base transceiver stations (Column 2 Line 32–40). Bach, however, does not teach selection and distribution unit determining which base transceiver station is to accommodate an

associated communication session based on a selected one of a signal strength associated with the selected mobile station and a predicted position associated with the selected mobile station. Huang teaches selection and distribution unit determining which base transceiver station is to accommodate an associated communication session based on a selected one of a signal strength associated with the selected mobile station (Column 8 Line 9-12). It would have been obvious to one skilled in the art to modify Bach to have selection and distribution unit determining which base transceiver station is to accommodate an associated communication session based on a selected one of a signal strength associated with the selected mobile station as taught by Huang in order to maintain communication when the mobile station experiences changes in the communication conditions (Column 1 Line 29-36). Bach in view of Huang, however, does not teach providing a multicast address to the next destination for transmitting a data stream. Shaughnessy teaches providing a multicast address to the next destination for transmitting a data stream (Column 7 Line 17-21). It would have been obvious to one skilled in the art to modify Bach in view of Huang to provide a multicast address to the next destination for transmitting a data stream as taught by Shaughnessy in order to provide one-to-many capability (Column 3 Line 50-53).

Regarding to claim 8 and 20, Shaughnessy teaches instructing a selected one of the base transceiver stations to receive the data stream at the multicast address (Column 7 Line 44–49).

Regarding to claim 9 and 21, Shaughnessy teaches the data stream comprising packets using an internet protocol (Column 3 Line 45–48).

Regarding to claim 10 and 22, Shaughnessy teaches establishing a multicast address for issuing commands to the plurality of base transceiver stations (Column 7 Line 5–9).

Response to Arguments

4. Applicant's arguments filed on March 14, 2005 have been fully considered but they are not persuasive.

5. In response to applicant's argument on claim 1, page 6-8, that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine could be

to give more flexibility to the selection and distribution unit in controlling handoff (Column 8 Line 17-18).

6. In response to applicant's argument on claim 1, page 8, that there is no reasonable expectation of success for the proposed combination, they are both mobile communication systems which has mobile unit, base station and base station controller. The modification to the primary reference is the specific way of selecting base transceiver. One skilled in the art would expect success for the proposed combination.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

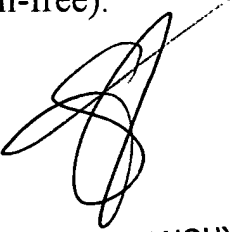
will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. H.
Clemence Han
Examiner
Art Unit 2665


STEVEN NGUYEN
PRIMARY EXAMINER